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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 WILMINGTON TRUST, N.A.,)

10 Plaintiff(s),)

11 vs.)

12 MRT ASSETS, LLC, et al.,)

13 Defendant(s).)
14

Case No. 2:17-cv-00705-RFB-NJK

ORDER

(Docket No. 31)

15 Pending before the Court is the parties’ stipulated proposed discovery plan and scheduling
16 order. Docket No. 31. Under Local Rule 26-1(b)(1), “[u]nless the court orders otherwise, discovery
17 periods longer than 180 days from the date the first defendant answers or otherwise appears will
18 require special scheduling review.” Additionally, “[p]lans requesting special scheduling review must
19 include . . . a statement of the reasons why longer or different time periods should apply to the case.”
20 Local Rule 26-1(a).

21 The parties ask the Court to grant them a 270-day discovery period because, they submit, they
22 “are engaged in a dispute about proper jurisdiction and consolidation of cases” and therefore “lost
23 valuable discovery time while determining the jurisdictional and consolidation issues surrounding
24 the case.” Docket No. 31 at 2, 4. Additionally, the parties submit that the pending petition for
25 *certiorari* in *Bourne Valley Court Tr. v. Wells Fargo Bank, N.A.*, 832 F.3d 1154 (9th Cir. 2016) has
26 created an “uncertain legal landscape” that will cause them to “expound extra time waiting for the
27 resolution of the petition.” *Id.* at 4-5. The parties calculate their proposed discovery schedule from
28 April 13, 2017, the date on which Defendant Cheyenne Hills at Southfork Owners Association, Inc.

1 filed its answer. *Id.* at 2. *See also* Docket No. 16.

2 The mere pendency of a dispositive motion does not delay the parties' discovery obligations.
3 *Cf. Kor Media Grp., LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013) (internal citation omitted).
4 The parties also fail to persuade the Court that the pending petition for *certiorari* in *Bourne Valley*
5 warrants a lengthened discovery period.¹ Finally, the appropriate date from which to base the
6 discovery schedule is the date the first Defendant answered or otherwise appeared. *See* Local Rule
7 26-1(b)(1). In the instant case that date is April 5, 2017, the date that Defendant MRT filed its
8 motion to dismiss. Docket No. 13.

9 Accordingly, the Court hereby **DENIES** the parties' stipulated proposed discovery plan and
10 scheduling order. The parties shall submit, no later than May 30, 2017, a stipulated proposed
11 discovery plan and scheduling order that either follows the presumptively reasonable time period set
12 forth in the Local Rules or provides sufficient reason to lengthen the discovery period in this case.

13 IT IS SO ORDERED.

14 DATED: May 23, 2017.

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NANCY J. KOPPE
United States Magistrate Judge
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26 ¹ The Court is aware that many judges in this District have stayed cases of this nature pending
27 resolution of the petition for *certiorari* in *Bourne Valley*. However, that issue is not currently before
28 the Court.